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Shams Naqvi  
5210 Cutter Lane  
El Sobrante, CA 94803-3849

25 April 2004

Letter by fax (703-746-9195) with a copy by US Mail

Mail Stop: Missing Parts  
Commissioner for Patents  
US Patent & Trademark Office  
US Dept. of Commerce  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sub: Erroneous judgment in USPTO letter under reference

Re: USPTO Formalities Letter mailed 04/21/2004, Confirmation Number 7092, "Notice to file Missing Parts of Non-provisional Application" (copy attached)

Patent Application Number:	10/759,032
File Date:	01/20/2004
Name of Applicant:	SHAMS NAQVI
Title of Invention:	Recessed light assembly adapted for use with motion detector
USPTO Confirmation No.:	7092
Foreign License Grant Date:	04/20/2004

Dear Sir or Madame,

The USPTO judgment related to the Summary of Fees Due is inaccurate and needs to be withdrawn, for reasons cited below.

I properly calculated the Basic Filing Fee amount to be \$385.00 on my Fee Transmittal Form for FY2004, a copy of which is attached herewith. On the same form, I also checked off the check box that authorizes the USPTO Director to "Charge [to my credit card] any additional fee(s) or any underpayment of fee(s)."

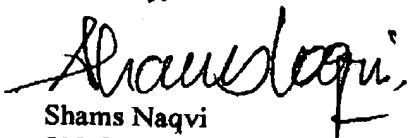
This checked box authorizes the USPTO to charge the correct amount if an applicant makes errors in calculations or on credit card authorization forms. As such USPTO should automatically have charged the right amount to my credit card without any referral to me.

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The error arose as I used a credit card authorization form that I had used for a previous patent application. I did miss updating the amount field from \$375.00 to \$385.00, which has caused USPTO to send my the letter under reference.

However, given that the USPTO has had the authorization to charge the CORRECT amount, there should not have been any underpayment per se. As such, a penalty is not due nor called for, and should be withdrawn.

Sincerely,



Shams Naqvi  
510-223-3179

encl. Copy of Confirmation Letter  
Copy of Fee Transmittal Form for FY2004

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PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0651-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 385.00)

## Complete if Known

Application Number	
Filing Date	
First Named Inventor	SHAMS NAQVI
Examiner Name	
Art Unit	
Attorney Docket No.	Not Applicable

## METHOD OF PAYMENT (check all that apply)

<input type="checkbox"/> Check	<input checked="" type="checkbox"/> Credit card	<input type="checkbox"/> Money Order	<input type="checkbox"/> Other	<input type="checkbox"/> None
<input type="checkbox"/> Deposit Account:				
Deposit Account Number	<input type="text"/>			
Deposit Account Name	<input type="text"/>			

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	2251 55	Extension for reply within first month	
1252 420	2252 210	2252 210	Extension for reply within second month	
1253 950	2253 475	2253 475	Extension for reply within third month	
1254 1,480	2254 740	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	2401 165	Notice of Appeal	
1402 330	2402 165	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	2502 240	Design issue fee	
1503 640	2503 320	2503 320	Plant issue fee	
1460 130	1480 130	1480 130	Petitions to the Commissioner	
1807 50	1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	1802 900	Request for expedited examination of a design application	

SUBTOTAL (2) (\$ 0.0)

\*\*or number previously paid, if greater; For Reissues, see above

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	SHAMS NAQVI	Registration No. (Attorney/Agent)	Telephone (510) 223 3179
Signature	<i>Shams Naqvi (Copy)</i>	Date	15 JANUARY 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/759,032	01/20/2004	Shams Naqvi	

SHAMS NAQVI  
 5210 CUTTER LANE  
 EL SOBRANTE, CA 94803

CONFIRMATION NO. 7092  
 FORMALITIES LETTER  
  
 \*OC00000012406578\*

Date Mailed: 04/21/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is insufficient.  
*Applicant must submit \$ 10 to complete the basic filing fee for a small entity.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$75 for a Small Entity

- \$10 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

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T. TU  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

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